

**UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION**

**IN RE: ETHICON, INC., PELVIC REPAIR SYSTEM
PRODUCTS LIABILITY LITIGATION**

MDL No. 2327

TRANSFER ORDER

Before the Panel: Plaintiffs in the action listed on Schedule A (*Mayfield*) move under Panel Rule 7.1 to vacate our order conditionally transferring the action to MDL No. 2327. Responding defendants Ethicon, Inc., Ethicon, LLC, and Johnson & Johnson (collectively, Ethicon) oppose the motion to vacate.

After considering the argument of counsel, we find this action involves common questions of fact with the actions previously transferred to MDL No. 2327, and that transfer under 28 U.S.C. § 1407 will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. Plaintiffs do not dispute that their action shares questions of fact with MDL No. 2327. Like many of the already-centralized actions, *Mayfield* involves factual questions arising from allegations that Ethicon and related entities defectively designed, manufactured, and marketed pelvic surgical mesh products, resulting in serious injuries, and that defendants failed to provide appropriate warnings and instructions regarding the risks and dangers posed by the devices. *See In re: Ethicon, Inc., Pelvic Repair Sys. Prods. Liab. Litig., et al.*, 844 F. Supp. 2d 1359 (J.P.M.L. 2012).

Plaintiffs base their arguments against transfer entirely on the pendency of their motion to remand the action to state court, suggesting that the transferor court should first decide the motion. The Panel repeatedly has held that a motion for remand alone is generally an insufficient basis to vacate a conditional transfer order. *See, e.g., In re Prudential Ins. Co. of Am. Sales Practices Litig.*, 170 F. Supp. 2d 1346, 1347-48 (J.P.M.L. 2001). Moreover, the transferor court recently denied the remand motion as to the claims against Ethicon and co-defendant C.R. Bard., Inc.¹

¹ *See Mayfield v. London Women's Care, PLLC*, C.A. No. 15-0019, 2015 WL 3440492 (E.D. Ky. May 28, 2015).

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IT IS THEREFORE ORDERED that the action listed on Schedule A is transferred to the Southern District of West Virginia and, with the consent of that court, assigned to the Honorable Joseph R. Goodwin for inclusion in the coordinated or consolidated pretrial proceedings.

PANEL ON MULTIDISTRICT LITIGATION



Sarah S. Vance
Chair

Marjorie O. Rendell
Lewis A. Kaplan
R. David Proctor

Charles R. Breyer
Ellen Segal Huvelle
Catherine D. Perry

**IN RE: ETHICON, INC., PELVIC REPAIR SYSTEM
PRODUCTS LIABILITY LITIGATION**

MDL No. 2327

SCHEDULE A

Eastern District of Kentucky

MAYFIELD, ET AL. v. LONDON WOMEN'S CARE, PLLC, ET AL., C.A. No. 6:15-0019



Activity in Case MDL No. 2327 IN RE: Ethicon, Inc., Pelvic Repair System Products Liability Litigation Existing Transfer Order (Transferee Court)
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United States Judicial Panel on Multidistrict Litigation

Notice of Electronic Filing

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Case Name: IN RE: Ethicon, Inc., Pelvic Repair System Products Liability Litigation

Case Number: [MDL No. 2327](#)

Filer:

Document Number: No document attached

Docket Text:

*****TEXT ONLY ENTRY*****

MINUTE ORDER -- TO TRANSFEREE CLERK: ACTION REQUIRED

A transfer order has been filed today in this litigation. The order is directed to your court for filing. Rule 2.1 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, states...An order to transfer or remand pursuant to 28 U.S.C. 1407 shall be effective only upon its filing with the clerk of the transferee district court.

Signed by Clerk of the Panel Jeffery N. Luthi on 6/8/2015.

Associated Cases: MDL No. 2327, KYE/6:15-cv-00019 (dn)

Case Name: Mayfield et al v. London Women's Care, PLLC et al

Case Number: [KYE/6:15-cv-00019](#)

Filer:

Document Number: No document attached

Docket Text:

*****TEXT ONLY ENTRY*****

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Signed by Clerk of the Panel Jeffery N. Luthi on 6/8/2015.

Associated Cases: MDL No. 2327, KYE/6:15-cv-00019 (dn)

No public notice (electronic or otherwise) sent because the entry is private



Activity in Case MDL No. 2327 IN RE: Ethicon, Inc., Pelvic Repair System Products Liability Litigation Transfer Order
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Case Name: IN RE: Ethicon, Inc., Pelvic Repair System Products Liability Litigation

Case Number: [MDL No. 2327](#)

Filer:

Document Number: [2027](#)

Docket Text:

TRANSFER ORDER re: pldg. (7 in KYE/6:15-cv-00019, [1917] in MDL No. 2327), (12 in KYE/6:15-cv-00019, [1944] in MDL No. 2327)

Transferring 1 action(s) - MDL No. 2327, KYE/6:15-cv-00019

Signed by Judge Sarah S. Vance, Chair, PANEL ON MULTIDISTRICT LITIGATION, on 6/8/2015.

Associated Cases: MDL No. 2327, KYE/6:15-cv-00019 (dn)

Case Name: Mayfield et al v. London Women's Care, PLLC et al

Case Number: [KYE/6:15-cv-00019](#)

Filer:

Document Number: [14](#)

Docket Text:

TRANSFER ORDER re: pldg. (7 in KYE/6:15-cv-00019, [1917] in MDL No. 2327), (12 in

KYE/6:15-cv-00019, [1944] in MDL No. 2327)

Transferring 1 action(s) - MDL No. 2327, KYE/6:15-cv-00019

Signed by Judge Sarah S. Vance, Chair, PANEL ON MULTIDISTRICT LITIGATION, on 6/8/2015.

Associated Cases: MDL No. 2327, KYE/6:15-cv-00019 (dn)

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